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## Environment & Energy Committee

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### HB 2609

**Brief Description:** Addressing climate change through growth management.

**Sponsors:** Representatives Duerr, Walen, Fitzgibbon, Slatter, Doglio, Lekanoff, Senn, Goodman, Santos, Ormsby and Macri.

#### Brief Summary of Bill

- Adds climate change mitigation and adaptation as a goal of the Growth Management Act (GMA).
- Requires the consideration of the climate change planning goal by regional transportation planning organizations and in countywide planning policies under the GMA, in addition to consideration of the goal in city and county GMA comprehensive plans.
- Requires certain larger counties and the cities within those counties to develop a climate change and natural hazards resiliency element (resiliency element) of GMA comprehensive plans, beginning as early as 2023.
- Requires the Department of Commerce (COM) to develop a model resiliency element that multi-county regions, counties, and cities may adopt, and the adoption of which exempts the jurisdiction's resiliency element from appeals under the GMA or the State Environmental Policy Act until 2029.
- Directs the COM to develop calculations of the proportionate share of state emissions attributable to transportation and land-use activities within multi-county regions, counties, and cities and requires the resiliency element of local government comprehensive plans be designed to achieve their assigned share of emissions reductions.

**Hearing Date:** 1/28/20

**Staff:** Jacob Lipson (786-7196).

#### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land-use-planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA (planning jurisdictions) to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA. Comprehensive plans are required to include specified elements, including a land-use element and a transportation element. New comprehensive plan requirements adopted after 2002 are null and void unless the state appropriates funds sufficient to cover applicable local government costs at least two years before comprehensive plans must be updated.

Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every eight years. Counties, and the cities within them, are grouped into four different year classes for purposes of when the obligation to review and revise their comprehensive plans commences. King, Pierce, and Snohomish counties are required to review and revise their comprehensive plans no later than June 30, 2015, and every eight years thereafter. Ten other counties - Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom - are required to review and revise their comprehensive plans no later than June 30, 2016, and every eight years thereafter. The remaining counties are divided into the 2017 and 2018 year classes for comprehensive plan review and revision.

Under the GMA, planning jurisdictions must consider 13 nonprioritized goals set forth in statute for the purpose of guiding the adoption of comprehensive plans and development regulations. The GMA planning goals address transportation, housing, urban growth, reducing sprawl, and economic development, among other topics. In addition, the goals and policies of the Shoreline Management Act have been added as a fourteenth goal of the GMA.

Under the GMA, counties that are planning jurisdictions must develop countywide policies that are used to establish a framework from which county and city comprehensive plans are developed and adopted. Countywide planning policies must address certain issues, including policies for adopting urban growth areas and promoting orderly development and provision of urban services, for siting public capital facilities and transportation facilities, and for joint county and city planning within Urban Growth Areas.

### Transportation Planning and Emissions.

As part of the GMA's enactment beginning in 1990, the formation of Regional Transportation Planning Organizations (RTPOs) was authorized. RTPOs are voluntary associations of local governments within a county, or within geographically contiguous counties, created primarily to prepare a regional transportation plan and to ensure local and regional coordination of transportation planning within a county or counties. There are currently RTPOs covering 38 of the 39 counties in Washington. San Juan County is not part of a RTPO. In 2008, the Washington

State Department of Transportation was directed to adopt statewide goals to reduce annual per capita vehicle miles traveled by 18 percent by 2020, by 30 percent by 2035, and by 50 percent by 2050.

#### Greenhouse gas emission limits and Climate Change Response Strategy.

In 2008, state limits were established for the emissions of greenhouse gases (GHGs) as follows:

- By 2020, overall GHG emissions in the state must be reduced to 1990 levels.
- By 2035, overall GHG emissions in the state must be reduced to 25 percent below 1990 levels.
- By 2050, overall GHG emissions in the state must be reduced to 50 percent below 1990 levels, or 70 percent below the state's expected emissions for that year.

In 2012, at the direction of the Legislature, and in coordination with other state agencies, the Department of Ecology published an integrated climate change response strategy intended to better enable state and local agencies, among others, to prepare for, address, and adapt to the impacts of climate change.

#### State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

Government decisions can be appealed under the SEPA on procedural grounds related to a threshold determination of significance or on substantive grounds related to an agency's decision to deny or condition a project approval upon the completion of mitigation. Depending on the applicable rules or ordinances related to SEPA appeals that have been adopted by a lead agency, a SEPA appeals process may either begin in an administrative appeals forum or may directly proceed to a judicial review.

#### **Summary of Bill:**

##### Climate Change Goal.

A climate change goal is added to the Growth Management Act (GMA). The climate change goal is to ensure that comprehensive plans and development regulations, as well as regional policies, plans, and strategies adopted by Regional Transportation Planning Organizations or as part of countywide planning policies, achieve the following:

- adapt to and mitigate the effects of a changing climate;
- support state greenhouse gas (GHG) emission reduction requirements and state vehicle miles traveled (VMT) goals;
- build resilient infrastructure; and
- nurture environmental, economic, and human health.

##### Assignment of Proportionate Shares of Greenhouse Gas Emissions to Local Governments.

The Department of Commerce (COM) must develop calculations of the proportionate share of GHG emissions attributable to land-use and transportation activities in the 11 counties subject to the resiliency element. The proportionate shares must be assigned to cities and to either counties or to multi-county regions where GMA planning is already occurring through formal governance structures. The calculations by COM must be developed in consultation with the Departments of Ecology, Transportation, and Health and must rely on 2017 emissions data as the baseline for emissions reductions.

The COM must also establish for counties and multi-county regions a proportionate share of GHG emission reductions relative to the 2017 baseline necessary in order for the county or multi-county region to achieve state GHG emission reduction limits specified in state law for 2035 and 2050. Each county or multi-county region must then allocate a proportionate share of emission reductions to the jurisdictions contained within it, based on the allocation from COM. Allocations to counties and cities must be achieved through county-wide planning policy frameworks and through adopted governance procedures of multi-county regions.

#### Climate Change and Natural Hazards Resiliency Element.

A climate change and natural hazards resiliency element (resiliency element) is added as a requirement of GMA comprehensive plans of certain GMA-planning counties and the cities within them. The resiliency element is required in 11 counties with the following geographic criteria and populations, as determined by the office of financial management, and the cities within them:

- a 2019 population of at least 100,000, located west of the crest of the Cascade Mountains (Clark, King, Kitsap, Pierce, Snohomish, Thurston, Skagit, and Whatcom counties);
- a 2019 population of at least 200,000 with an unincorporated population of less than 40,000, located east of the crest of the Cascade mountains (Benton County);
- a population of at least 90,000 with an unincorporated population of less than 15,000, located east of the crest of the Cascade mountains (currently Franklin County); and
- a population of at least 500,000 located east of the crest of the Cascade mountains (currently Spokane County).

The resiliency element must draw upon the land-use and transportation elements of GMA comprehensive plans and be designed to:

- result in GHG emissions reductions generated by the transportation and land use systems, consistent with the share of emissions reductions assigned to the jurisdiction by the COM;
- result in per-capita VMT reductions consistent with state VMT goals; and
- avoid, and build resiliency to, the worst impacts of climate change, including through specified types of actions.

Resiliency elements must be finalized two years prior to the adoption of the rest of a jurisdiction's comprehensive plan. The comprehensive plan submission deadlines for King, Pierce, and Snohomish Counties are delayed from June 30, 2023 until June 30, 2025, and the comprehensive plan submission deadlines for the 10 counties currently required to update comprehensive plans by June 30, 2024, are also delayed until June 30, 2025.

Jurisdictions not within the 11 counties required to adopt resiliency elements, including jurisdictions not planning under the GMA, are encouraged to develop resiliency elements of their comprehensive plans.

The COM must develop and adopt by rule guidance creating a model resiliency element that may be used by counties and cities. The model element may establish minimum requirements, include model options for fulfilling resiliency plan requirements, or both.

County-Wide Planning Policies and Regional Transportation Planning Organization Plans.

For the 11 counties required to adopt resiliency elements, the countywide policies that counties must adopt must include policies for reducing GHG emissions and mitigating the effects of climate change, consistent with the share of GHG emission reductions assigned to the jurisdiction by the COM.

Regional Transportation Planning Organizations (RTPOs) that encompass at least one of the 11 counties required to adopt a resiliency element must adopt a regional emissions and vehicle miles reduction plan covering all jurisdictions comprising the RTPO. The plan must implement state VMT goals and reduce aggregate GHG emissions commensurate with the share of GHG emissions assigned to covered jurisdictions by the COM.

County and city GMA comprehensive plans must be consistent with RTPO plans.

State Environmental Policy Act and Growth Management Act Appeals.

Until January 1, 2029, a county that implements in full the COM's guidance is in compliance with the GMA requirements.

The adoption of the following are exempt from appeals under the State Environmental Policy Act until January 1, 2029:

- the resiliency element consistent with the COM's guidance;
- countywide policies to implement the resiliency element; and
- the regional emissions and vehicle miles reduction plans by RTPOs.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.